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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,436	08/25/2000	Thomas D. Holt	004117.P006X	6870

7590 11/13/2007

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ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
11/13/2007	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/649,436
Filing Date: August 25, 2000
Appellant(s): HOLT ET AL.

Peter F. Malen Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 15, 2007 appealing from the Office action mailed December 22, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,913,215	RUBINSTEIN	6-1999
6,006,217 A	LUMSDEN	12-1999
6,359,633 B1	BALASUBRAMANIAM	3-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 44-46** are rejected under 35 U.S.C. 102(b) as being anticipated by Rubinstein et al (US 5,913,215), hereinafter "Rubinstein".

As per claim 44, Rubinstein teaches the method for searching, comprising:

- "receiving search criteria" at Fig. 1, element 120;
- "searching at least one body of knowledge based on the search criteria" at Fig. 1, element 130;

- "providing a plurality of search results that are responsive to the searching, wherein at least one of the search results is a document comprised of text content" at Fig. 2, element 220 and Col. 7 lines 47-49;
- "selecting one of the text-content document search results; and at substantially the time of selection, distilling the selected document" at Fig. 1, element 140 and Col. 8 lines 5-9;
- wherein the step of distilling comprises the following steps: extracting content from the selected document in accordance with a plurality of data type rules" at Col. 7 line 55 to Col. 8 line 15;
- "deriving a plurality of key points from the text content of the selected document, wherein key points are at least partially identified by locating text portions within the document that contain predefined verb types" at Col. 8 line 25 to Col. 9 line 25;
- "and generating a reduced content distilled document that contains at least a portion of the extracted content and at least one of the key points" at Col. 7 line 55 to Col. 8 line 15.

As per claim 45, Rubinstein teaches the method as defined in claim 44, further comprising the step of "displaying the reduced content distilled document on a display device" at Fig. 2, element 270 and Fig. 15.

As per claim 46, Rubinstein teaches the method as defined in claim 44, wherein "the step of deriving key points comprises:

- "segmenting the text content of the selected document into a plurality of separate textual components" at Col. 8 line 25 to Col. 9 line 25;
- "identifying whether verbs are present within the textual components; comparing identified verbs to a predefined hierarchy of verb sequences; and based upon the results of the comparison, identifying which of the identified verbs are used in identifying key points" at Col. 8 line 25 to Col. 9 line 25.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1, 2, 6 and 10-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumsden (US 6,006,217), hereinafter "Lumsden", and in view of Balasubramaniam et al. (US 6,359,633 B1), hereinafter "Balasubramaniam".

As per claim 1, Lumsden teaches a method for real-time distillation of a source document, comprising:

- "receiving search criteria from a client; searching at least one source based on the search criteria, determining search results responsive to said searching" at Col. 5 line 60 to Col. 6 line 15;
- "distilling a selected one of the search results in substantially real time relative to the time of selection, the selected search result having a first content and wherein the distillation comprises the step of extracting content from the first content in accordance with at least one data type criterion selected from a plurality of predefined data type criteria" at Col. 6 line 48 to Col. 7 line 22;

Lumsden does not explicitly teach the step of: "creating a distilled version of the selected search result including the extracted content, wherein the distilled version constitutes a data entity having a predefined format and that is distinct from the search result" as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract version "constitutes a data entity having a predefined format and that is distinct from the search result" at Col. 4 lines 35-43. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

combine Lumsden and Balasubramaniam's teachings to create an abstract of the document before return to the user because: "the abstract can be considered as a summarized version of the document. It occupies less bandwidth than the document, and can be transmitted to a user at much faster pace" as suggest by Balasubramaniam at Col. 1 lines 45-55. Further, modifying Lumsden's teaching such that the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 2, Lumsden and Balasubramaniam teach the method as in claim 1. Balasubramaniam further teaches the step of "creating an index in the distilled version wherein the index allows selective entry into the content of the corresponding search result" at Col. 3 lines 15-18.

As per claim 6, Lumsden teaches a method for displaying search results, comprising:

- "receiving search criteria from a client; searching at least one source based on the search criteria; determining search results responsive to said searching, the search results comprising source documents" at Col. 5 lines 60 to Col. 6 line 15;
- "selecting one of the source documents, the selected document having a first content" at Col. 6 lines 48-50;
- "at substantially the time of selection, distilling the selected source documents into result object wherein the result object includes a second content and the

second content is derived from the first content in accordance with at least one predefined distillation criterion" at Col. 6 lines 48-67;

- "and creating an index from the result object into the selected source document, wherein selection of the index provides a display of a corresponding portion of the first content" at Col. 7 lines 1-22.

Lumsden does not explicitly teaches: "the result object having a predefined format and that is created as a distinct data entity from the selected source document" as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract (i.e., "result object") having a predefined format and created as a distinct data entity from the selected document" at Col. 4 lines 35-45. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create "the result object having a predefined format and that is created as a distinct data entity from the selected source document" because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 10, Lumsden teaches a method for displaying search results, comprising:

- "receiving search criteria from a client; searching at least one source based on the search criteria; determining a plurality of search results responsive to said searching" Col. 5 lines 60 to Col. 6 line 15;
- "distilling a selected one of the search results into a result object, the result object comprises content extracted from the selected search result" at Col. 6 lines 48-67;

Lumsden does not explicitly teach that "the result object is created as a separate data entity from the selected search result" nor "creating a mid-menu that corresponds to the result object, the mid-menu comprising a plurality of menu options, each menu option including at least one result category, and a content metric, the content metric being a measure of a relative value of the result category, and displaying the mid-menu" as claimed. . However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract (i.e., "result object") having a predefined format and created as a distinct data entity from the selected document" at Col. 4 lines 35-45. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create "the result object as a separate data entity from the selected result" because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

Further, Balasubramaniam also teaches the step of "creating a mid-menu that corresponds to the result object, the mid-menu comprising a plurality of menu options, each menu option including at least one result category, and a content metric, the content metric being a measure of a relative value of the result category, and displaying the mid-menu" at Col. 3 lines 55 to Col. 4 line 35. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings. Adding the mid-menu with result category and content metric to Lumsden's system would allow user to customize and access to different type and category of data within the search result.

As per claim 11, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein the content metric comprises a quantitative measure of the relative value of the result category" at Col. 4 lines 5-35.

As per claim 12, Lumsden and Balasubramaniam teach the method as in claim 11. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of results for each the result category" at Col. 4 lines 5-35.

As per claim 13, Lumsden and Balasubramaniam teach the method as in claim 11. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of occurrences of pre-specified data" at Col. 4 lines 5-35.

As per claim 14, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein the content metric comprises a qualitative measure of the relative value of the result category" at Col. 4 lines 5-35.

As per claim 15, Lumsden and Balasubramaniam teach the method as in claim 14. Balasubramaniam also teaches: "wherein the qualitative measure comprises an indicator of the relevance of the results of the result category to the search criteria" at Col. 4 lines 5-35.

As per claim 16, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein at least one category comprises a data type" at Col. 4 lines 5-35.

As per claim 17, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "wherein at least one category comprises a user-defined type" at Col. 5 lines 7-9.

As per claim 18, Lumsden and Balasubramaniam teach the method as in claim 10. Balasubramaniam also teaches: "determining user preferences, and dynamically creating the mid-menu in accordance with the user preferences" at Col. 5 lines 7-26.

As per claim 19, Lumsden teaches a method for displaying search results, comprising:

- "receiving search criteria from a client; searching a plurality of sources based on the search criteria; determining search results responsive to said searching" at Col. 5 lines 60 to Col. 6 line 15;
- "distilling a selected one of the search results into a result object wherein the result object comprises content extracted from the selected search result" at Col. 6 lines 48-60;
- "determining user preferences" at Col. 6 lines 60-67;

Lumsden does not explicitly teach that "the result object is created as a separate data entity from the selected search result" nor "creating a mid-menu in accordance with the user preferences, the mid-menu corresponding to the result object and comprising a plurality of menu options, each menu option including a result category, each result category having a number of results; and a content for each result category, the content metric being a measure of the value of the result category, and displaying the mid-menu" as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract (i.e., "result object") having a predefined format and created as a distinct data entity from the selected document" at Col. 4 lines 35-45. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create "the result object as a separate data entity from the selected result" because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

Further, Balasubramaniam also teaches the step of "creating a mid-menu in accordance with the user preferences, the mid-menu corresponding to the result object and comprising a plurality of menu options, each menu option including a result category, each result category having a number of results; and a content for each result category, the content metric being a measure of the value of the result category, and

displaying the mid-menu" at Col. 3 lines 55 to Col. 4 line 35. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings. Adding the mid-menu with result category and content metric to Lumsden's system would allow user to customize and access to different type and category of data within the search result.

As per claim 20, Lumsden and Balasubramaniam teach the method as in claim 19. Balasubramaniam also teaches: "wherein the content metric comprises a quantitative measure for each result category" at Col. 4 lines 5-35.

As per claim 21, Lumsden and Balasubramaniam teach the method as in claim 19, wherein "the content metric comprises a qualitative measure for each result category" at Fig. 5.

As per claim 22, Lumsden teaches a method for searching, comprising:

- "receiving search criteria; searching at least one body of knowledge based on the search criteria; providing a plurality of search results that are responsive to the searching" at Col. 5 lines 60 to Col. 6 line 15;
- "displaying on a display device a list of at least some of the search results, the list comprising: a separate and unique identifier corresponding to each one of the search results in the list" at Col. 6 lines 5-25 and Fig. 5; and
- "a separate distillation trigger associated with each unique identifier" at Col. 6 lines 15-25 and Fig. 5, element 76;

- "wherein selection by a user of a distillation trigger causes a substantial real-time creation of a distilled version of the search result corresponding to the unique identifier associated with the selected distillation trigger" at Col. 6 lines 48-67.

Lumsden does not explicitly teach: "wherein the distilled version is created as a data entity distinct from the corresponding search result and includes content extracted from the search result" as claimed. However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract version "the distilled version is created as a data entity distinct from the corresponding search result and includes content extracted from the search result" at Col. 4 lines 35-43. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create an abstract of the document before return to the user because: "the abstract can be considered as a summarized version of the document. It occupies less bandwidth than the document, and can be transmitted to a user at much faster pace" as suggest by Balasubramaniam at Col. 1 lines 45-55. Further, modifying Lumsden's teaching such that the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 23, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "wherein the unique identifier is a URL corresponding to the search result in the list" at Fig. 5.

As per claim 24, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "wherein the unique identifier is a title corresponding to the search result in the list" at Fig. 5.

As per claim 25, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "wherein the unique identifier is an abstract corresponding to the search result in the list" at Fig. 5.

As per claim 26, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "wherein selection by a user of the unique identifier causes a full content version of the corresponding search result to be displayed on the display device" at Col. 7 lines 35-50 and Fig. 5.

As per claim 27, Lumsden and Balasubramaniam teach the method as defined in claim 22. Balasubramaniam also teaches: "wherein the distilled version includes content extracted from the corresponding search result in accordance with at least one predefined data type" at Col. 3 line 63 to Col. 4 line 16.

As per claim 28, Lumsden and Balasubramaniam teach the method as defined in claim 27. Balasubramaniam also teaches: "wherein the at least one predefined data type is selected from one of the following data types: a key point; a focus word; a matched-in-context key point; a title; and a URL" at Col. 4 lines 5-16.

As per claim 29, Lumsden and Balasubramaniam teach the method as defined in claim 27. Balasubramaniam also teaches: "wherein the at least one data type provides an index to content of the corresponding search result" at Col. 4 lines 5-16.

As per claim 30, Lumsden and Balasubramaniam teach the method as defined in claim 27. Lumsden also teaches:

- "displaying the distilled version on the display device" at Col. 6 line 67 to Col. 7 line 22; and
- "wherein selection by a user of a predefined data type within the displayed distilled version causes a substantially real time entry into the content of the corresponding search result" at Col. 7 lines 12-22.

As per claim 31, Lumsden and Balasubramaniam teach the method as defined in claim 30. Lumsden also teaches: "displaying a predefined portion of the content of the search result, wherein the predefined portion is adjacent to the data type selected by the user within the distilled version" at Col. 7 lines 12-22.

As per claim 32, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "displaying the distilled version on the display device" at Col. 7 lines 1-22.

As per claim 33, Lumsden and Balasubramaniam teach the method as defined in claim 22. Lumsden also teaches: "at least some of the search results are comprised of textual documents" at Col. 6 lines 5-25.

As per claim 34, Lumsden teaches a method for searching, comprising:

- "receiving search criteria; searching at least one body of knowledge based on the search criteria; providing a plurality of search results that are responsive to the searching" at Col. 5 line 60 to Col. 6 line 25;
- "distilling a selected one of the search results into a result object, the result object including content extracted from the selected search result in accordance with a plurality of data type preferences selected from a plurality of predefined data type preference types" at Col. 5 lines 60-65 and Col. 6 lines 48-67;
- "creating a menu corresponding to the result object, the menu including a plurality of menu options, wherein each menu option defines a result category that is descriptive of a predefined portion of the content of the result object" at Col. 6 line 67 to Col. 7 line 22; and
- "graphically displaying the menu on a display device, wherein a user may optionally select any one of the menu options" at Col. 6 line 67 to Col. 7 line 22.

Lumsden does not explicitly teach: "a result object that is created as a data entity having predefined format and that is distinct from the search result". However, Balasubramaniam teach a method for abstracting document by extract content from the document and creating an abstract (i.e., "distilled") version of the selected document including the extract content" at Col. 1 lines 45-50, wherein the abstract version is a result object that is created as a data entity having predefined format and that is distinct from the corresponding search result" at Col. 4 lines 35-43. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lumsden and Balasubramaniam's teachings to create an abstract of the

document before return to the user because: the distilled version having a predefined distinct format would allow people with different types of devices and connection to access the information efficiently, as suggested by Balasubramaniam at Col. 4 lines 35-45.

As per claim 35, Lumsden and Balasubramaniam teach the method as defined in claim 34. Lumsden also teaches: "wherein at least one result category comprises one of the selected data type preference types used to distil the search result" at Col. 6 lines 48-67.

As per claim 36, Lumsden and Balasubramaniam teach the method as defined in claim 34. Lumsden also teaches: "wherein selection of a menu option causes a corresponding content portion of the result object to be displayed on the display device" at Col. 7 lines 12-22.

As per claim 37, Lumsden and Balasubramaniam teach the method as defined in claim 34. Lumsden also teaches: "wherein selection of a menu option causes a corresponding content portion of the selected search result to be displayed on the display device" at Col. 7 lines 12-22.

As per claim 38, Lumsden and Balasubramaniam teach the method as defined in claim 34. Balasubramaniam also teaches: "a plurality of content metrics that are associated with a corresponding menu option, wherein each content metric is representative of a value for the result category of the menu option" at Col. 4 lines 5-35.

As per claim 39, Lumsden and Balasubramaniam teach the method as defined in claim 38. Balasubramaniam also teaches: "wherein the value represented by the

content metric is a quantitative measure of the corresponding result category" at Col. 4 lines 5-35.

As per claim 40, Lumsden and Balasubramaniam teach the method as defined in claim 39. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of results for the corresponding result category" at Col. 4 lines 5-35.

As per claim 41, Lumsden and Balasubramaniam teach the method as defined in claim 39. Balasubramaniam also teaches: "wherein the quantitative measure comprises a number of occurrences of a data type specified by the corresponding result category" at Col. 4 lines 5-35.

As per claim 42, Lumsden and Balasubramaniam teach the method as defined in claim 38. Balasubramaniam also teaches: "wherein the value represented by the content metric is a qualitative measure of the corresponding result category" at Col. 4 lines 5-35.

As per claim 43, Lumsden and Balasubramaniam teach the method as defined in claim 42. Balasubramaniam also teaches: "wherein the qualitative measure is indicative of the degree of relevance of the corresponding result category to the search criteria" at Col. 4 lines 5-35.

(10) Response to Argument

A. Claims 44-46 are unpatentable under 35 U.S.C 102(b) as being anticipated by Rubinstein.

Regarding claims 44-46, Appellant argued at page 11 of the Appeal Brief that Rubinstein does not teach the steps of:

(1) providing a plurality of search results;

(2) selecting one of the search results;

(3) **at substantially the time of the selection**, distilling the selected search result.

On the contrary, these limitation are clearly taught by Rubinstein at Col. 8 lines 5-8 and Fig. 1 (Reproduced below). Specifically, step **120** of Fig. 1 recites "Prompt the user to construct a query" and step **130** recites "identify one of the plurality of document based on the selected query expression" correspond to step (2), and step **140** recites "Linguistically analyze the identified document to generate an abstract" corresponds to step (3) above.

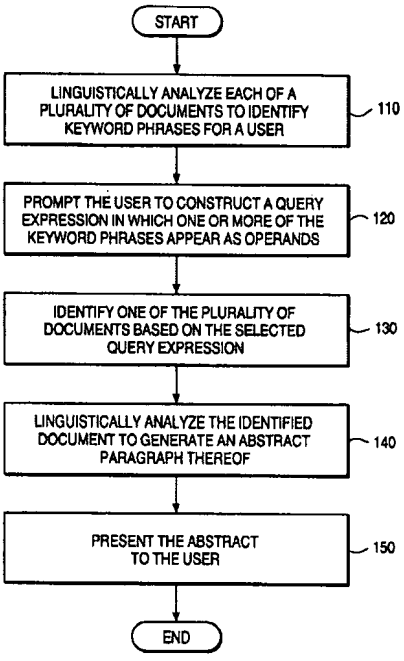

Figure 1

by linguistic analysis of the document separate from that used to identify keyword phrases. Keyword phrases, concept sentences, and a document abstract may be generated in a single linguistic analysis or in separate operations.

In one embodiment of the present invention, the user may select the document from which the abstract is generated by clicking on any one of the documents **221** listed in file list pane **220**. In this way, a user can browse the abstract of each document identified by the query expression. In an alternative embodiment, an abstract from one of the identified documents could be presented automatically upon completion of a search for documents meeting the query expression. In any case, the document from which the abstract presented in abstract pane **270** is drawn may be opened by clicking the Open button **280**.

The Appellant however still disagrees with the Examiner and argued at page 13 of the Brief that "Figure 1 is silent as to **precisely** when the linguistical analysis and abstract generation step of 140 is performed, relative to step 130" and "the description of Figure 1 in the Rubinstein specification likewise fails to provide support for the assertion of the Examiner that the step **140** is performed "at a substantially the time of" the step **130**". The examiner respectfully submits that the claims only require that the step 140 is performed at **substantially** the time of step 130, and appellant's specification does not precisely define the term "substantially". Rubinstein's step 120 prompt the user to construct a query and step 150 present the abstract to the user, therefore, steps 120-150 must be performed substantially in real time, so that the user doesn't have to wait several days to receive results of the query.

Appellant further argued that Rubinstein does not teach "deriving a plurality of key points... wherein the key points are at least partially identified by locating text portions within the document that contain predefined verb types". On the contrary, Rubinstein teaches at Col. 8 lines 35-40 the step of Linguistic Analysis by "perform paragraph by paragraph parsing of documents using **dictionary definitions of words** to **identify** grammatically and definitionally **significant phrases** (i.e. **keyword phrases**)". Rubinstein therefore teaches identify keyword phrase (i.e. "key point") by locating text using dictionary definition of words (i.e. "predefined verb types") as claimed.

B. Claims 1, 2, 6, and 10-43 are unpatentable under 35 U.S.C 103(a) as being obvious over Lumsden in view of Balasubramaniam.

i. Claims 1, 2, and 6

Regarding claim 1, appellant argues that Lumsden does not teach the claimed "distillation process". The examiner respectfully disagrees, in view of Appellant definition of the terms "distillation process" at page 5 of the Brief which states: "**distillation allows a user to quickly review a reduce content version of a given result, and thereby determine whether the corresponding full content version is of interest**".

Lumsden teaches at Col. 6 lines 48 to Col. 7 line 22 the step of creating an "enhance document" as follows:

In Step 112, the search server 62 then **prepares the document for review by the user** before forwarding the document back to the client 60. Preferably, the preparation includes modifying the search criteria matches as they appear in the document so that the matches will be visually distinctive to the user when the user views the document.

Further, the document is also modified to include code that causes user selection of one of the matching keywords in the document change the display of the document on the client 60 to display to the user to the next occurrence of a matching keyword in the document.

This enhanced document is then forwarded by the search server 62 to the client 60 (Step 114). Preferably, **the modified document is displayed to the user by the client 60 so that a portion of the document containing the first occurrence of a matching keyword is initially displayed to the user**. The user may then navigate within the document to the next sequential keyword occurrence by selecting the displayed keyword within the document. In this way, the **user can quickly determine** whether or not the document contains information which the user is seeking.

Lumsden teaches at Fig. 5 that the "enhance document" can be created from a search result by clicking on the link 60. Lumsden's enhanced document is therefore "a reduce content version of a given result" because it "allows a user to quickly review" and thereby "determine whether the corresponding full content version is of interest. The user does not have to view the entire document but instead only view "a portion of the document containing the first occurrence of a matching keyword", and then jump to "the next sequential keyword occurrence by selecting the displayed keyword within the document"[1].

Appellant further argues that "the addition of material to the enhanced document, as taught by Lumsden, is contrary to the "distillation" process recited in claim 1. The examiner respectfully submits that Lumsden modifies the document to provide "a

[1] This method is well-known as "KWIC" or "Key Word In Context"

reduce content version" to the user by allowing user to skip the text portions which do not contain matching key words, and therefore anticipates the claimed "distillation process". The examiner also notes that "reduce content version" does not necessary mean "reduce size version" or "reduce length version" of the document.

In addition, the examiner relied on the combination of Lumsden and Balasubramaniam references to reject the claims. Balasubramaniam teaches a method for automatically creating an abstract, which is a summarized version of the document and can be transmitted to a user at a much faster page (Col. 1 lines 45-50). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lumsden's method comprises the step of delivery documents to user over the internet, while Balasubramaniam suggest sending only a summarized version of the document because "it occupies less bandwidth than the document, and can be transmitted to a user at much faster page". Because users of Lumsden's system are only interest in portions of document containing the matching keywords, it would have been obvious to one of ordinary skill in the art to modify Lumsden's system as suggested by Balasubramaniam to create and send a summarized version of the document for faster

transmission. Appellant's argues that there is no motivation to modify Lumsden's system as suggested by Balasubramaniam because "in a high speed network, at least, a user will frequently be unaware of any difference in transmission speeds for document of different sizes", the examiner respectfully disagrees. Reducing the size of a document in haft will roughly reduce the transmitting time by 50%, and if the size of all transmitted documents is reduced, the workload and bandwidth of the server will be reduced significantly.

ii. Claims 10-18

Regarding claim 10, Appellant argued that Lumsden does not teach "distilling a selected one of the search result into a result object, the result object comprises content extracted from the selected search result". On the contrary, as previously discussed, Lumsden teaches at Col. 6 lines 48-67 the "enhance document" which is "a reduce content version of a given result" because it "allows a user to quickly review" and thereby "determine whether the corresponding full content version is of interest. The user does not have to view the entire document but instead only view "a portion of the document containing the first occurrence of a matching keyword", and then jump to "the next sequential keyword occurrence by selecting the displayed keyword within the document".

Appellant incorrectly states that "the Examiner has admitted that Lumsden does not explicitly teach the step of: "creating a distilled version of the selected search result

including the extracted content". In fact, the exact quote of the Examiner's statement as recited in the rejection of the claim 1 is : "Lumsden does not explicitly teach the step of "creating a distilled version of the selected search result including the extracted content, **wherein the distilled version constitutes a data entity having a predefined format and that is distinct from the search result" as claimed**". The scope of these two limitations are clearly different. The limitation of claim 1 required creating the distilled version having predefined format that is distinct from the search result, while the limitation of claim 10 does not have this requirement.

Appellant further argues that Balasubramaniam does not teach "creating a mid-menu that corresponds to the result object, the mid-menu comprising a plurality of menu options, each menu option including at least one result category, and a content metric, the content metric being a measure of a relative value of the result category; and displaying the mid menu". On the contrary, Balasubramaniam teaches at Col. 3 line 55 to Col. 4 line 35 the step of creating a classified tree (i.e., "mid-menu") comprises a plurality of UI element (i.e. "menu option"), each UI element including at least one result category, and "statistics available in the annotated syntax tree are used to detect if a certain node can be classified as one of the category" (i.e. "content metric"), Fig 5 shows a display of the mid-menu.

In response to appellant's argument at page 25 that "the lengthy passage cited by the Examiner concerns creation of an abstract, and has nothing to do with presentation, to a user, of a mid-menu that corresponds to a result object", the examiner respectfully submits that Balasubarmaniam teaches the step of creating a classified tree

(i.e. "mid-menu") that corresponds to the document to form an abstract, and displaying the abstract to user, and therefore anticipated the claimed limitations.

iii. Claims 19-21

Appellant's argument regarding claims 19-21 are similar to claims 10-18 discussed above. Lumsden and Balasubarmaniam, as combined, teaches each and every limitation of the claims.

iv. Claims 22-23

Regarding claims 22-23, Appellant argues that Lumsden does not teach "wherein selection by a user of a distillation trigger causes substantial real-time creation of a distilled version of the search result corresponding to the unique identifier associated with the selected distillation trigger". On the contrary, Lumsden clearly teaches this limitation at Col. 6 lines 48-67 and Fig. 5 reproduced below. Lumsden's Fig. 5 shows the link "Get enhanced document" 76 (corresponds to the claimed "distillation trigger") is selected by a user will cause the creation of the "enhance document" (i.e. "distilled version of the search result") corresponding to the URL of the document (i.e. "the unique identifier associated with the selected distillation trigger").

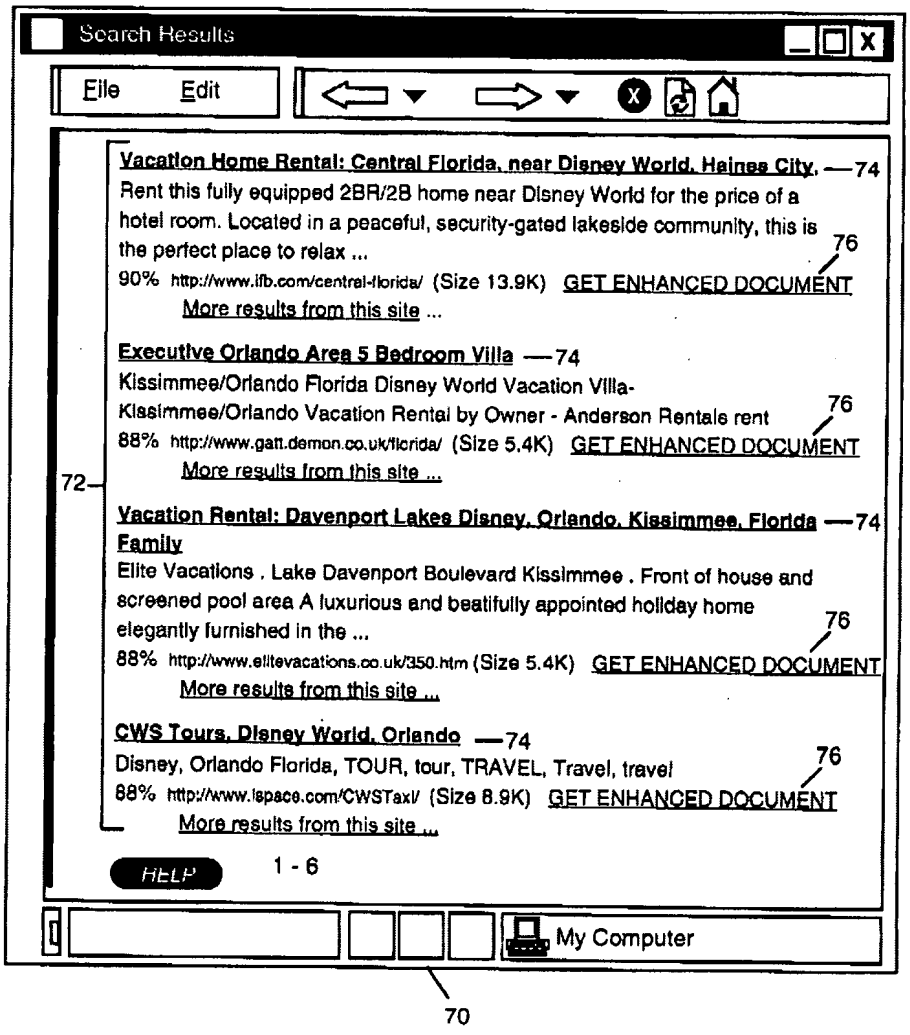

FIG.5

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lumsden's

method comprise the step of delivery documents to user over the internet, while Balasubramaniam suggest sending only a summarized version of the document because "it occupies less bandwidth than the document, and can be transmitted to a user at much faster page". Because users of Lumsden's system are only interest in portions of document containing the matching keywords, it would have been obvious to one of ordinary skill in the art to modify Lumsden's system as suggested by Balasubramaniam to create and send a summarized version of the document for faster transmission.

v. Claims 34-43.

Appellant's arguments regarding claims 34-43 are similar to the argument discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Khanh B. Pham

Primary Patent Examiner

Art Unit 2166

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